

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF MISSISSIPPI
GREENVILLE DIVISION**

PATRICIA DAVIS

PLAINTIFF

V.

CIVIL CAUSE NO. 4:21cv167-DMB-JMV

**UNITED STATES OF AMERICA, IN ITS CAPACITY
AS OWNER/OPERATOR OF THE UNITED STATES
POSTAL SERVICE; GWENDOLYN J. BROWN, IN
HER CAPACITY AS POSTMASTER;
AND JOHN DOES A, B AND C**

DEFENDANTS

COMPLAINT

NOW COMES Plaintiff Patricia Davis, and files her Complaint against the United States of America in its capacity as the owner and operator of the United States Postal Service and that certain Post Office location known as the Crossroads Post Office located at 1910 Hwy 82 East in Greenville, Mississippi; Gwendolyn J. Brown, in her capacity as Postmaster; and John Does A, B and C.

1.

Patricia Davis is an adult resident citizen of Greenville, Washington County, Mississippi, who suffered injuries, losses, and damages as a direct and proximate result of a slip and fall incident which occurred on or about June 20, 2019 at the Crossroads Post Office located at 1910 Hwy 82 East in Greenville, Mississippi.

2.

Defendant United States of America is the owner, manager, and operator of the United States Postal Service and operates a post office located at 1910 Highway 82 East in Greenville, Mississippi. Defendants committed a tort in Washington County, Mississippi, and Defendant United States of America is liable to Plaintiff pursuant to the Federal Torts Claims Act 28 U.S.C.A. § 2401 et seq. and

all related Mississippi and federal premises liability laws and authorities. Defendant United States of America can be served with a copy of the Complaint and Summons pursuant to Rule 4 of the Federal Rules of Civil Procedure via the United States Attorney James Clay Joyner at 900 Jefferson Avenue, Oxford, MS 38655-3608; and, via registered mail to Attorney General Merrick B. Garland at U. S. Department of Justice, 950 Pennsylvania Avenue, NW, Washington, D.C. 20530-0001.

3.

Defendant Gwendolyn J. Brown is an adult resident citizen of Greenville, Washington County, Mississippi, and committed a tort in her capacity as Postmaster in Washington County, Mississippi, and Defendant Gwendolyn J. Brown is vicariously liable. She can be served with a copy of the Complaint and Summons at the United States Post Office, Crossroads Station, 1910 Highway 82 East, Greenville, MS 38703-6036.

4.

John Does A, B and C are parties whose names and identities are currently unknown to Plaintiff despite reasonable efforts to identify such parties. Nevertheless, these parties are or may be liable to Plaintiff for damages incurred as the result of the subject incident referenced below. When the true names of such unknown parties are identified, Plaintiff will seek to amend her Complaint and identify the names of such parties pursuant to Rules 9 and 15 of the *Mississippi Rules of Civil Procedure*.

5.

This Court has subject matter and personal jurisdiction over the parties, and this Court is the proper venue for this action pursuant to federal law and its jurisdictional and venue statutes including, but not limited to 28 U.S.C.A. §2401 *et seq.*, 28 U.S.C.A. §2674, 28 U.S.C.A. §1346, and 28 U.S.C.A. §1339.

6.

Defendants own, manage, oversee and operate the United States Postal Service and such Defendant is in control of the premises located at 1910 Highway 82 East in Greenville, Mississippi, and otherwise known as the Crossroads Post Office.

7.

On or about June 20, 2019, Plaintiff was an invitee on the premises of the Crossroads Post Office located at 1910 Highway 82 East in Greenville, Mississippi, which is owned, operated, managed, and controlled by Defendants. While a patron on Defendants' premises, Plaintiff suddenly slipped and fell due to a dangerous condition on such premises which was created and/or caused by Defendants and/or its employees. Otherwise, Defendants had actual or constructive knowledge of the dangerous condition that caused Plaintiff's injuries.

8.

Defendants were negligent in causing the subject incident and all damages to Plaintiff because of a dangerous condition which existed on the premises of the Crossroads Post Office in Greenville, Mississippi. Despite actual and/or constructive knowledge of the dangerous condition on the premises, Defendants failed to warn invitees such as Plaintiff of the dangerous condition in violation of law. Defendants' operation of their premises was dangerous to invitees such as Plaintiff, and Defendants committed further acts and/or omission of negligence to cause the subject incident which will be fully proven in this case at trial.

9.

Defendants were also directly negligent in causing the subject incident as they caused the dangerous condition to exist on the premises and/or had personal knowledge of the dangerous condition on the premises, but failed to remedy the known danger or otherwise warn invitees such as Plaintiff of the dangerous condition.

10.

Defendants owed a duty to Plaintiff as an invitee upon their premises to exercise reasonable and ordinary care to keep the subject premises in a reasonably safe condition and/or to warn of dangerous conditions that were created by Defendants on the premises or known to exist. Defendants knew or should have known of the dangerous condition in this case, but failed to remedy the danger and otherwise failed to warn Plaintiff of such danger on the premises.

11.

Defendants breached their legal duties owed to Plaintiff and were negligent in the care, custody, and control of the subject premises when they failed to maintain the premises in a reasonably safe condition or otherwise warn Plaintiff of the danger of which it knew or should have known.

12.

Defendants are also vicariously liable for the negligent acts of all employees under the doctrine of *respondeat superior*. During the subject incident, all of Defendants' employees were engaged in activity within the course and scope of the employment/agency relationship which benefitted Defendants.

13.

Defendants are also liable for other breaches of law and related violations of duties owed to Plaintiff, which will be shown and proven at trial.

14.

Plaintiff did not cause or contribute to the subject incident in any manner whatsoever.

15.

On October 22, 2020, Plaintiff properly submitted her claim via Form 95 to Defendants under the Federal Torts Claims Act. Plaintiff also provided a complete Summary of Damages, Medical Expense Summary, medical records, and bills. **Exhibit “1”**. However, on October 20, 2021, Defendants wrongfully denied Plaintiff’s claim as shown by the attached correspondence. **Exhibit “2”**. As a result of the wrongful denial letter, Plaintiff files her lawsuit herein under the statutes and regulations cited. *Id.*

16.

As a direct and proximate result of the aforementioned incident and the negligence of Defendants, Plaintiff has suffered serious and permanent bodily injuries which required extensive medical treatments. The damages suffered by Plaintiff includes, but is not limited to, the following:

1. Past, present and future medical expense;
2. Past, present and future lost wages and loss of wage earning capacity;
3. Past, present and future emotional distress;
4. Past, present and future pain and suffering;
5. Other damages which will fully proven at trial.

17.

Plaintiff is entitled to reimbursement and payment of all of her aforementioned damages from each of the Defendants, jointly and severally.

WHEREFORE, PREMISES CONSIDERED, Plaintiff Patricia Davis demands judgment of and from Defendants United States of America, its capacity as the owner and operator of the United States Postal Service and that certain Post Office location known as the Crossroads Post Office located at 1910 Hwy 82 East in Greenville, Mississippi, including its local Postmaster Gwendolyn J. Brown, and John Does A, B and C, jointly and severally, as follows:

1. Full and complete payment, reimbursement, compensation and satisfaction for any and all injuries, losses and damages suffered as the result of the aforementioned incident involving Plaintiff, plus pre and post judgment interest, attorneys fees, costs and expenses in an amount not less than \$450,000.00; and,
2. Any and all related damages and relief as ordered by this Court.

PLAINTIFF DEMANDS TRIAL BY JURY

DATED, this the 16 day of December, 2021.

PATRICIA DAVIS

By:


BRITT VIRDEN, MBN 10022
Counsel for Plaintiff

OF COUNSEL:

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